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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,335	03/12/2004	Pierre Tomasini	ASMEX.447A	6213
68852 7590 09/19/2007 KNOBBE, MARTENS, OLSEN & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER RAO, G NAGESH	
			ART UNIT 1722	PAPER NUMBER
			MAIL DATE 09/19/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10799335	3/12/2004	TOMASINI ET AL.	ASMEX.447A

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**EXAMINER**

G. Nagesh Rao

**ART UNIT****PAPER**

1722

20070912

DATE MAILED:

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**Commissioner for Patents**

The reply brief filed 8/27/07 has been considered by examiner and the remarks are duly noted. This issue has been discussed numerous times via formal arguments and the brief phone inquiry of the case by applicant's representative. Examiner wishes to note, that applicant's continually persist on rationalizing patentability of the claimed invention based on overcoming the prior art teachings as suggested by Murthy 787's Figure 3 teachings. However as can be clearly iterated in the examiner's answer and previous office actions, examiner has been pointing out teachings against the prior art via Figures 2 and 5. Examiner also wishes to point out that applicant's arguments amount to overcoming the prior art based on a preferred embodiment, it is respectfully submitted that examiner note the decision of *In re Boe* 148 USPQ 507, whereby the entire prior art reference and teachings disclosed is to be considered and rationalized by one having ordinary skill in the art when determining patentability of the claimed invention. If applicant's have an unexpected result or unknown variable that cites differentiation it has never been disclosed nor rectified with a declaraiton/affidavit.

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GNR